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6 and William R. Zumwalt

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 DANIEL E. RUFF,

11 Plaintiff

12 vs.

13 COUNTY OF KINGS, MARK SHERMAN,  
14 SANDY R. ROPER, WILLIAM R.  
ZUMWALT, and DOES 1-100, et al.

15 Defendants.

) CASE NO. 1:05-CV-00631-OWW-GSA  
)  
) ORDER ON PLAINTIFF'S MOTION TO  
) PRECLUDE WITNESSES AND EVIDENCE  
)  
) Date: April 21, 2009  
) Time: 1:30 p.m.  
) Courtroom: Three  
) Honorable Oliver W. Wanger  
)  
) Trial: September 15, 2009  
)

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17 On April 21, 2009, the plaintiff's motion to preclude defense witnesses and evidence  
18 withheld during discovery came on regularly for hearing before The Honorable Oliver W.  
19 Wanger. Plaintiff was represented by Kevin G. Little, Esq. Defendants County of Kings, Mark  
20 Sherman, Sandy R. Roper, William R. Zumwalt (collectively hereinafter "Defendants") were  
21 represented by Leslie M. Dillahunty, Esq., of the law firm of Weakley, Arendt, & McGuire,  
22 LLP.

23 After full consideration of the moving and opposition papers, as well as oral argument  
24 from counsel, for good cause established, not within the control or the ability of the Defendants,  
25 the Court finds good cause under the Discovery Act to permit the following supplementation of  
26 discovery in aid of trial preparation as follows:

27 I.. SUPPLEMENTAL DISCOVERY.

28 A. Defendants shall, within seven (7) court days (on or before April 30, 2009),

1 supplement specific discovery requests as follows:

2 First Set of interrogatories: numbers 3, 4, 5, 8, 10, 11, 12, 13, 14, 15 and 16.

3 First Request for Production of Documents: numbers 2, 3, 4, 5, 8, 9, 10, 11, and 12.

4 First Request for Admissions: numbers 2 and 3.

5 Second Set of interrogatories: numbers 1-4, 6 and 8.

6 Second Request for Production of Documents: numbers 1-4, 6 and 7.

7 Second Request for Admissions: numbers 1-4.

8 Third Request for production of Documents: all.

9 B. Defendants are to identify and produce all documents, maps, plans, or any other  
10 documentary evidence in support of any updated General Plan, amended General Plan,  
11 incorporation of any fringe into the City of Hanford and/or provisions of public services to the  
12 general public.

13 C. Defendants are to identify any other witnesses known by the defendants with  
14 knowledge of facts and circumstances pertaining to the subject matter of plaintiff's allegations,  
15 and include the substance of testimony anticipated to be elicited from the witnesses, both lay  
16 and expert.

17 D. Defendants are to identify and produce documentation any and all applications  
18 for site plan review referred to the City of Hanford for possible annexation after the January  
19 2004 amendment to the Kings County General Plan; the "corrected" Grant Deed for the  
20 premises located at 11180 South 10<sup>th</sup> Avenue, Hanford, California; and documentation  
21 pertaining to the recycling business located at 14050 Locust Avenue, Armona, California.

22 II. SUPPLEMENTAL OF EXPERT REPORTS.

23 Defendants shall, within seven (7) court days (on or before April 30, 2009), supplement  
24 all expert declarations and/or reports to include any additional information and any statements  
25 of additional opinions not previously expressed. Defendants are to also identify any other  
26 documents, exhibits, physical or documentary, upon which their experts are expected to rely,

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1 including any survey, test or other analysis of the General Plan or the consolidation of services.

2 III. DEPOSITIONS.

3 Plaintiff shall have thirty (30) days from receipt of defendants' supplemental discovery  
4 and expert reports to conduct depositions, both lay and expert depositions. Defendants shall  
5 then have a subsequent thirty (30) days to conduct depositions, both lay and expert depositions.

6 IV. MISCELLANEOUS.

7 A copy of the compact disc mentioned by plaintiff's counsel as containing the  
8 "compendium of additional materials relied upon by plaintiff's experts" will be produced to  
9 defendants' counsel, at defendants' counsel's expense.

10 All non-dispositive and dispositive motions are hereby deemed resolved, and this order  
11 does not re-open discovery except as expressly set forth above.

12 The trial in this matter is now scheduled to commence on September 15, 2009, with the  
13 pre-trial conference scheduled for August 3, 2009.

14  
15 Approved as to form and content.

16 /s/ Kevin G. Little  
17 By: \_\_\_\_\_  
18 Kevin G. Little  
Attorney for Plaintiff

19 IT IS SO ORDERED.

20 **Dated:** April 23, 2009

21 /s/ **Oliver W. Wanger**  
22 UNITED STATES DISTRICT JUDGE  
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